

HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

RACHEL A. PRICE, an individual,
Plaintiff,

v.

EQUILON ENTERPRISES, LLC dba
SHELL OIL PRODUCTS US, a Delaware
limited liability company,

Defendant.

No. 2:17-cv-01337-MJP

STIPULATION AS TO AMENDED
COMPLAINT

Pursuant to the Court's minute order of December 6, 2018 (Dkt 39), the parties have conferred regarding Plaintiff's Amended Complaint, and counsel for Defendant hereby agrees to its filing in the form attached.

DATED: December 14, 2018.

WILLIAMS KASTNER

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STIPULATION AS TO AMENDED COMPLAINT - 1
(No. 2:17-cv-01337-MJP)

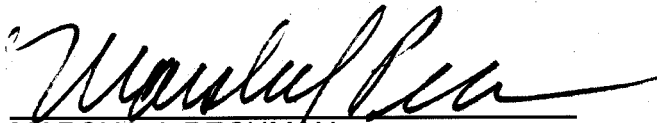
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ORDER

Pursuant to the stipulation of the parties, the attached Amended Complaint is accepted for filing.

IT IS SO ORDERED.

DATED this 18th day of December, 2018.



MARSHA J. PECHMAN
US DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this date I filed the foregoing document with the Clerk of the Court using the court's ECF filing system which will automatically serve the filing on registered ECF users:

Sheryl J. Willert
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Attorneys for Defendant

DATED December 14, 2018, at Seattle, Washington.

s/Leslie Boston
Leslie Boston

HONORABLE MARSHA J. PECHMAN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

RACHEL A. PRICE, an individual,
Plaintiff,

vs.

EQUILON ENTERPRISES, LLC, d/b/a
SHELL OIL PRODUCTS US, a
Delaware Limited Liability Company,
Defendant.

NO. 2:17-cv-01337-MJP

FIRST AMENDED COMPLAINT
FOR DAMAGES

JURY DEMAND

I. PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Rachel A. Price ("Plaintiff") resides in Mt. Vernon, Washington. She is, and was at all times material to this action, a resident of Skagit County, Washington and a citizen of Washington State.

2. Defendant Equilon Enterprises LLC d/b/a Shell Oil Products US is incorporated in Delaware with its office and principal place of business in Houston, Texas. The corporate Defendant, its owners and other responsible agents are herein referred to as "Shell."

3. Shell employs Plaintiff as a Laboratory Technician in Shell's Anacortes refinery. Shell employed Plaintiff from February 2000 until the present.

4. As detailed below, the amount in controversy exceeds \$75,000.00, exclusive of fees and costs.

5. Federal jurisdiction is based on diversity of citizenship, pursuant to 28 U.S.C. § 1332.

1 6. Venue is proper pursuant to 28 U.S.C. § 1391 because Shell is registered to do
2 business in Washington State and owns and operates the oil refinery that employs Plaintiff in
3 Anacortes, Washington where the events giving rise to these claims occurred.

4 **II. FACTUAL ALLEGATIONS**

5 7. Plaintiff is female and lesbian.

6 8. Plaintiff is a chemist; she has extensive education and experience in the field.

7 9. Plaintiff works for Shell as a Laboratory Technician in the Anacortes refinery
8 Laboratory ("the Lab") and has done so for over 17 years.

9 10. During Plaintiff's 17 years at Shell, she has tried and failed numerous times to
10 achieve a promotion.

11 11. Instead of promoting Plaintiff, Shell has consistently chosen less-qualified straight
12 men for consideration and, ultimately, hire.

13 12. Shell has permitted a "boys club" to flourish in the Anacortes laboratory, where
14 straight men are favored for better assignments, included in social gatherings, and treated with
15 greater leniency than the women in the lab.

16 13. Throughout Plaintiff's employment at the Lab, Shell has consistently permitted its
17 straight male employees to make hateful and discriminatory speech about women and gay
18 individuals in the Lab without correction or discipline of any kind.

19 14. On or around May 12, 2011, Shell posted a promotion opportunity requiring a
20 chemistry degree.

21 15. Plaintiff was qualified for the position and applied.

22 16. The position was given to heterosexual male employee Phil Skovron, though he lacks
23 a chemistry degree, one of the stated requirements for the position, and he had far less on-the-job
24 experience than Plaintiff.

25 17. Later, Shell's then Manager, Enoch Ledet, taunted Plaintiff in front of several other

1 employees, asking if she could “guess who got the job.”

2 18. On September 19, 2011, Plaintiff filed a lawsuit against Shell in federal court,
3 alleging gender and sexual orientation discrimination.

4 19. Shell’s Lab managers and the straight men in charge of training and scheduling were
5 aware of the lawsuit and the allegations brought by Plaintiff.

6 20. Then, in February 2012, another position came open. Plaintiff applied and was, again,
7 rejected in favor of a heterosexual male, Travis Malone, who has less specialized education and less
8 experience in the Lab than Plaintiff.

9 21. After gaining the promotion, Mr. Malone commented to Plaintiff that if she had been
10 wearing “truck nuts” at the interview maybe she would have gotten the job.

11 22. Mr. Malone, in saying this, implied that if Plaintiff had male genitalia, she would
12 have been promoted.

13 23. In June 2014, Plaintiff’s claims for sexual orientation and gender discrimination for
14 Shell’s failure to promote Plaintiff in 2011 and 2012 were tried to a jury in the U.S. District
15 Court for the District of Washington before the Honorable Judge John C. Coughenour.

16 24. Both before and during the trial, Shell complained of the disruption of the trial,
17 objecting that Lab scheduling was difficult and made management of the Lab challenging.

18 25. After the trial, Shell sent out a letter to the lab employees, instructing them not to talk
19 about the lawsuit and to move on.

20 26. In the summer of 2014, shortly after the trial, a new job was created and posted for
21 the Anacortes refinery, Lab Team Lead.

22 27. Plaintiff applied for the position.

23 28. Plaintiff met all of the qualifications listed.

24 29. Ms. Roberson, the contact person for the positions, then told Plaintiff on October 23,
25 2014 that she was not qualified due to a lack of “supervisory experience” and that she would not

1 be considered for the position.

2 30. Shell did not offer Plaintiff an interview for either position.

3 31. At the time of her application, Plaintiff had supervisory experience, including in a
4 manufacturing setting.

5 32. Some of the individuals interviewed did not have supervisory experience and had less
6 time working at the Lab. All of the individuals interviewed are straight and male. Despite lacking
7 the posted requirements and having less on-the-job experience, these men were interviewed for
8 the position anyway.

9 33. In connection with Plaintiff's applications in 2014, Ms. Roberson called Plaintiff's
10 former employers, including a grocery store she worked at nearly two decades ago. None of
11 those employers were listed as references in Plaintiff's job applications in 2014.

12 34. In denying her the opportunity to be considered for this position Shell, again,
13 retaliated against Plaintiff for bringing forth complaints of favoritism, discrimination, and
14 harassment at the workplace.

15 35. Other women who supported Plaintiff at trial are similarly being blacklisted and
16 retaliated against by Shell.

17 36. Shell has established a pattern and practice of retaliating against employees who raise
18 concerns about discrimination.

19 37. Going back to the start of Plaintiff's employment, Shell's pattern and practice of
20 engaging in discrimination toward women and lesbians in the Lab has adversely affected
21 Plaintiff's employment.

22 38. Shell, by refusing to consider Plaintiff's applications for promotion and failing to
23 promote her again and again, has deprived Plaintiff of increased compensation in the amount of
24 hundreds of thousands of dollars in past and future wages and benefits, as well as future lost
25 retirement income and other compensation.

1 39. Plaintiff has incurred tens of thousands of dollars of attorney's fees in addressing
2 these additional discrimination and retaliation claims, and expect to spend tens of thousands
3 more in the prosecution of these claims.

4 40. As a result of the acts, omissions, practices and conduct of Shell and its agents in
5 continuing to discriminate and retaliate against Plaintiff, Plaintiff has suffered emotional distress.

6 **III. CAUSES OF ACTION**

7 Plaintiff realleges and incorporates the allegations above to each of the following:

8 **A. Discrimination in Violation of the Washington Law Against Discrimination.**

9 41. Shell violated Washington's Law Against Discrimination by failing to promote
10 Plaintiff in retaliation for the Plaintiff's complaints concerning Shell's hostile work environment
11 and/or complaints of discrimination against female and/or lesbian employees. RCW 49.60.210.

12 42. A substantial factor in Shell's decision to not promote Plaintiff in 2014, is her
13 complaints and lawsuit alleging gender and/or sexual orientation, in violation of Washington's
14 Law Against Discrimination. RCW 49.60.210.

15 43. As a proximate result of Shell's discrimination and retaliation in violation of the
16 Washington Law Against Discrimination, Plaintiff has been damaged in amounts to be proven at
17 trial.

18 **IV. PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff prays for damages as appropriate to compensate for such
20 injuries, as described above, including:

- 21 1. Lost past wages;
22 2. Future wage loss;
23 3. Prejudgment interest;
24 4. Injunctive and declaratory relief;
25 5. Damages for humiliation, personal indignity, embarrassment, fear, sadness, anger,

1 anxiety, anguish and other forms of "garden variety" emotional distress they have
2 experienced, in amounts to be proven at trial;

3 6. All other actual damages pursuant to chapter 49.60 RCW and any other applicable
4 law;

5 7. An award to offset any adverse tax consequences;

6 8. That the court award attorney's fees and actual costs; and

7 9. For such other and further relief as this court deems just and equitable.

8 **IV. JURY DEMAND**

9 Plaintiff hereby demands a jury of 12 on all issues so triable.

10 DATED this 14th day of December, 2018.

11 **BRESKIN JOHNSON & TOWNSEND PLLC**

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CERTIFICATE OF SERVICE

I hereby certify that on this date I filed the foregoing document with the clerk of the court using the ECF system which automatically serves electronic notice of this filing on the following counsel of record:

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Attorneys for Defendant

DATED December 14, 2018, at Seattle, Washington.

s/Leslie Boston

Leslie Boston